

OSVALDO E. FUMO, ESQ.
Nevada bar No. 5956
PITARO & FUMO, CHTD.
601 Las Vegas Boulevard, South
Las Vegas, Nevada 89101
Phone: 702.474.7554 Fax: 702-474-4210
Email: kristine.fumolaw@gmail.com
Attorney for Defendant
JOHNATHAN ALBERTO GUTIERREZ

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
* * *

UNITED STATES OF AMERICA,)	2:19-mj-652-EJY
)	
Plaintiff,)	
)	
v.)	STIPULATION AND ORDER TO
)	CONTINUE STATUS CHECK
JOHNATHAN ALBERTO GUTIERREZ,)	ON REQUIREMENT HEARING
)	
)	(First Request)
Defendants.)	

IT IS HEREBY STIPULATED by and between JOHNATHAN ALBERTO GUTIERREZ, Defendant, by and through his counsel OSVALDO E. FUMO, ESQ., and the United States of America, by and through, RACHEL KENT, that the hearing in the above-captioned case currently set for August 25, 2020, at 1:30 p.m., be continued to no earlier than ninety (90) days, or to a date and time to be set by this Honorable Court.

This Stipulation is entered into for the following reasons:

1. Counsel has spoken to his client and they do not have any objections to this continuance.
2. Counsel for the government has no opposition to the continuance.
3. Counsel was just notified by Mr. Gutierrez that he just injured his leg and is unable to complete his requirements at this time.

1 4. Counsel is requesting a 90 day continuance that will allow Mr. Gutierrez to complete
2 his requirements.

3 5. Additionally, denial of this request for continuance would result in a miscarriage of
4 justice.
5

6 6. For all the above-stated reasons, the ends of justice would best be served by a
7 continuance of the status check on requirements date.

8 7. This is the first request for a continuance of the hearing in this case.

9 DATED this 18th day of August 2020.
10

11 Respectfully submitted.

12 PITARO & FUMO, CHTD. NICHOLAS TRUTANICH
UNITED STATES ATTORNEY
13

14
15 /s/
OSVALDO E. FUMO, ESQ.
16 601 LAS VEGAS BOULEVARD, SOUTH
LAS VEGAS, NEVADA 89101
17 ATTORNEY FOR DEFENDANT
GUTIERREZ
18

19 /s/
RACHEL KENT, ESQ.
20 ASSISTANT UNITED STATES ATTORNEY
501 LAS VEGAS BOULEVARD, SOUTH
21 LAS VEGAS, NEVADA 89101
22
23
24
25
26
27
28

OSVALDO E. FUMO, ESQ.
Nevada bar No. 5956
PITARO & FUMO, CHTD.
601 Las Vegas Boulevard, South
Las Vegas, Nevada 89101
Phone: 702.474.7554 Fax: 702-474-4210
Email: kristine.fumolaw@gmail.com
Attorney for Defendant
JOHNATHAN ALBERTO GUTIERREZ

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
* * *

UNITED STATES OF AMERICA,) 2:19-mj-652-EJY
)
)
Plaintiff,)
)
v.)
)
JOHNATHAN ALBERTO GUTIERREZ,)
)
)
Defendants.)

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Counsel has spoken to his client and they do not have any objections to this continuance.
2. Counsel for the government has no opposition to the continuance.
3. Counsel was just notified by Mr. Gutierrez that he just injured his leg and is unable to complete his requirements at this time.
4. Counsel is requesting a 90 day continuance that will allow Mr. Gutierrez to complete his requirements.
5. Additionally, denial of this request for continuance would result in a miscarriage of justice.

1 6. For all the above-stated reasons, the ends of justice would best be served by a
2 continuance of the status check on requirements date.

3 7. This is the first request for a continuance of the hearing in this case.
4

5 CONCLUSIONS OF LAW

6 The end of justice served by granting said continuance outweigh the best interest of the
7 public and defendants in a speedy trial since the failure to grant said continuance would likely
8 result in a miscarriage of justice, would deny the parties herein sufficient time and the
9 opportunity within which to be able to effectively and thoroughly prepare for trial taking into
10 account the exercise of due diligence.

11 The continuance sought herein is excludable under the Speedy Trial Act, Title 18 U.S.C.
12 3161(h)(8) (A), considering the factors under title 18 U.S.C. 3161 (h)(8)(B)(i) and 3161
13 (h)(8)(B)(iv).

14 ORDER

15 **IT IS ORDERED** that HEARING currently scheduled for August 25, 2020 at the hour
16 of 1:30 p.m., be vacated and continued to the 23rd day of November, 2020, at the hour of 1:30
17 p.m. in Courtroom 3C.

18 DATED this 24th of August, 2020.

19 
20
21 U.S. MAGISTRATE JUDGE
22
23
24
25
26
27
28